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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 7609 of 2007

PETITIONERS

1. Sheocharan Das Baghel, age 52 years, Son of Shri M.D. Baghel, U.D.T. Middle School, Potiya-kala (Durg) District Durg (C.G.)
2. Harishchandra Sharma, aged 53 years, S/o Shri C.P. Sharma, Asst. Teacher, Primary School, Siloda, District Durg (C.G.)
3. Ashok Kumar Sharma, aged 52 years, S/o Shri Lakhanlal, Asst. Teacher Middle School Arjunda, District Durg (C.G.)
4. Smt. Prabha Katare, aged 54 years, w/o Shanker rao Katare, Asst. Teacher Middle School, Borsi, District Durg (C.G.)
5. Bhisamdas Sahu, aged 56 years, S/o Nohar Das Sahu, Assistant Teacher, Middle School, Bholapur, Block Chhuriya, District Rajnandgaon (C.G.)
6. Hari Ram Pujeri, aged 54 years, S/o Shri Mayaram Pujeri, Head Master, Middle School, Sikari Mahma Block Chhuriya, District Rajnangaon (C.G.)
7. Smt. Tulsi Sahu, aged 52 years, W/o Hiramanlal Sahu, Asst. Teacher, Primary School, Katulbod, District Durg (C.G.)

Versus

RESPONDENTS

1. The State Government of Chhattisgarh, Through the Secretary, School Education Department Ministry, D.K.S. Bhavan, Raipur (C.G.)
2. Director of Public Instructions, State of Chhattisgarh, Pension Bada, Raipur (C.G.)
3. The District Education Officer, Durg (C.G.)
4. The District Education Officer, Rajnandgaon (C.G.)

(Writ Petition under Article 226 of the Constitution of India)

Appearance:

Shri Somkant Verma, counsel for the petitioners.

Shri Pradeep Singh, Panel Lawyer, for the State on advance copy.

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ORAL ORDER
(20.12.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

Learned counsel for the petitioners submits that the issue involved in the case is as to whether the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period. He submits that the issue involved herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A.No.2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein, it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/ Assistant Teachers are entitled to regular pay scale from the date of initial appointment.

Learned counsel for the petitioners further submits that this Court, while considering the same issue in Ram Kumar Sahu & others Vs. State Govt. of Chhattisgarh & another (W.P.(S) No. 813 of 2007) by order dated 12.2.2007, has granted regular pay scale w.e.f. the date of initial appointment.

Learned counsel for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Ram Kumar Sahu and another (Supra).

In view of that, this petition is allowed in the same terms.

However, this order shall be subject to all verifications made by the State regarding facts pleaded in the petition.

Sd/-
Sunil Kumar Sinha
Judge

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